

Application No.: 10/014,220

4

Docket No.: 514162000120

REMARKS

Applicant thanks the Examiner for withdrawing the finality of the previous Office Action in response to Applicant's timely filed response for continued examination under 37 CFR 1.114, including the fees set forth in 37 CFR 1.17(e).

Claims 21-34 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9-14 of commonly owned U.S. Patent No. 6,303,845. In response, Applicant submits the attached Terminal Disclaimer, disclaiming the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent 6,303,845.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 514162000120. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 19, 2005

Respectfully submitted,

By: 
Julia R. Rosenthal

Registration No.: 54,410

MORRISON & FOERSTER LLP

425 Market Street

San Francisco, California 94105

(415) 268-7305

sf-1814227